

UNITED STATES DISTRICT COURT

for the

District of Minnesota

UNITED STATES OF AMERICA

v.

Case No.

13-mj-304/TNL

Jesus Emmanuel CASTRO,
a/k/a, Jesus Immanuel CASTRO-HERNANDEZ

CRIMINAL COMPLAINT

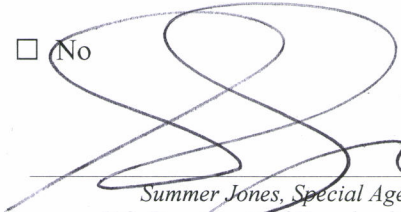
I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about February 19, 2012, in Dakota County, in the State and District of Minnesota, the defendant did knowingly make a false statement and claim that he was a citizen of the United States, with the intent of unlawfully engaging in employment in the United States, to wit: the defendant provided the name, date of birth, and Social Security number of victim C.L.D., a U.S. citizen, on an I-9 Employment Eligibility Verification form and attested, under the penalty of perjury, that he was a citizen of the United States, all in violation of Title 18, United States Code, Section 1015(e).

I further state that I am a Special Agent with the U.S. Department of Homeland Security, Immigration and customs enforcement, Homeland Security Investigations and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No


Summer Jones, Special Agent
U.S. Department of Homeland Security
Immigration and Customs Enforcement
Homeland Security Investigations

Sworn to before me and signed in my presence.

Date:

April 30, 2013


Judge's signature

City and state: St. Paul, MN

TONY N. LEUNG, U.S. Magistrate Judge
Printed Name and Title

SCANNED

MAY 01 2013

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF SUMMER JONES

Summer Jones, being duly sworn and under oath, deposes and states as follows:

1. I am a Special Agent with the U.S. Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations (HSI) and have been so employed for approximately five (5) years. I am currently assigned to the Minnesota Internet Crimes Against Children (ICAC) task force.
2. This Affidavit is based on my training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
3. This Affidavit is made for the limited purpose of establishing probable cause in support of a federal criminal complaint and arrest warrant, and therefore contains only a summary of relevant facts and information. I have not included each and every fact known by me concerning this investigation and the events described herein.
4. Based upon all the facts and information set forth in this Affidavit, I believe that probable cause exists to support that, on or about February 19, 2012, in the city of Eagan, Dakota County, in the State and District of Minnesota, Jesus Emmanuel CASTRO, a citizen and national of Mexico, did knowingly make a false statement and claim that he is a citizen of the United States, with the intent of unlawfully engaging in employment in the United States, to wit: completing an I-9 Employment Eligibility Verification form at TMI Coatings using the name, date of birth and Social Security number of victim C.L.D., a United States citizen; submitting a Minnesota Driver's License and Social Security Card in the name of the victim C.L.D., and the

attestation, under the penalty of perjury, that he was a citizen of the United States; all in violation of Title 18, United States Code, Section 1015(e).

5. Jesus Emmanuel CASTRO, a/k/a, Jesus Immanuel CASTRO-HERNANDEZ, is a citizen and national of Mexico. He is not a citizen, permanent resident, or national of the United States.
6. On August 2, 2004, an Indictment was filed in the U.S. District Court for the District of Minnesota charging CASTRO with unlawful possession of, with the intent to distribute, methamphetamine, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B). *See United States v. Jesus Emmanuel Castro*, Crim. No. 04-315(JNE/JGL). CASTRO appeared before U.S. District Court Judge Joan N. Ericksen on September 9, 2004 and pled guilty to these federal narcotics charges. A PreSentence Report (PSR) was prepared by the U.S. Probation Office and submitted to the Court.
7. During the pendency of the above criminal matter, CASTRO received deportation papers from the Immigration and Naturalization Service (INS). On or about December 15, 2004, CASTRO was granted voluntary departure by an Immigration Judge. On or about April 5, 2005, CASTRO voluntarily departed from the United States to Mexico. On June 26, 2005, defense counsel for CASTRO in the above criminal matter submitted a letter to Judge Ericksen advising that CASTRO had voluntarily departed to Mexico and would not be present for sentencing. CASTRO had been placed on a fugitive case status since that time.
8. In April, 2013, I was contacted by Investigator Ben Rossum of the Ramsey Police

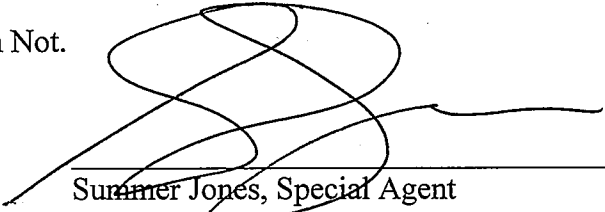
Department. Investigator Rossum advised that he was investigating an identity theft case involving CASTRO. Investigator Rossum learned that CASTRO had been using the name, date of birth and Social Security number of victim C.L.D., a citizen of the United States, for the past several years. Investigator Rossum learned that CASTRO had used the name, date of birth and Social Security number of victim C.L.D. to apply for a car loan, obtain a Minnesota driver's license and apply for employment within the State of Minnesota. Investigator Rossum also spoke with victim C.L.D. who stated that he had never been to Minnesota and had his identity stolen several years earlier.

9. On or about February 19, 2012, CASTRO applied for employment with TMI Coatings in Eagan, Minnesota. During this employment application process, CASTRO completed an I-9 Employment Eligibility Verification form using the name, date of birth and Social Security number of victim C.L.D. CASTRO submitted a Minnesota Driver's License and Social Security card in the name of the victim C.L.D. Additionally, on the I-9 Employment Eligibility Verification form, CASTRO attested, under the penalty of perjury, that he was a citizen of the United States. The Minnesota Driver's License and Social Security card submitted by CASTRO were photocopied by TMI Coatings and physically attached to the I-9 form.
10. I have reviewed the I-9 Employment Eligibility Verification form completed by CASTRO. I have compared the Minnesota Driver's License in the name of victim C.L.D. and used and submitted by CASTRO during this employment application with the booking photographs of Jesus Emmanuel CASTRO in connection with the 2004

criminal proceedings in the District of Minnesota and a Minnesota Driver's License photograph in the name of Jesus Emmanuel CASTRO from 2003. The photographs on each of these documents appear to be the same individual, Jesus Emmanuel CASTRO. Moreover, the address used by CASTRO in his employment application with TMI Coatings and with the Minnesota Department of Public Safety, Driver and Vehicle Services, in the name of C.L.D. is the same address listed by CASTRO with U.S. Probation and Pretrial Services in connection with the 2004 criminal proceedings in the District of Minnesota.

11. Based on these facts, I have reason to believe that Jesus Emmanuel CASTRO, a/k/a Jesus Immanuel CASTRO-HERNANDEZ, is in violation of Title 18, United States Code, Section 1015(e) – false claim of U.S. citizenship in an employment application.

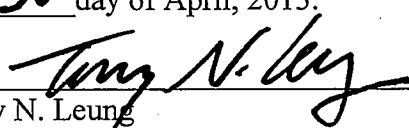
12. Further Your Affiant Sayeth Not.



Summer Jones, Special Agent
U.S. Department of Homeland Security
Immigration and Customs Enforcement
Homeland Security Investigations

SUBSCRIBED and SWORN to Before Me

This 30th day of April, 2013.



Tony N. Leung
United States Magistrate Judge